

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 1-11 are currently pending in the application, Claims 1 and 9-11 having been amended by way of the present amendment. No new matter is added.¹

In the Office Action, Claims 1 and 9-11 were rejected under 35 U.S.C. §103(a) as unpatentable over Haagen (U.S. Patent Publication No. 2007/0072542) in view of Horiuchi et al. (U.S. Patent Publication No. 2003/0061618, hereinafter “Horiuchi”); Claims 2-8 were rejected under 35 U.S.C. §103(a) as unpatentable over Haagen in view of Horiuchi, and further in view of Levine (U.S. Patent No. 4,908,713).

With respect to the rejection of Claims 1 and 9-11 as unpatentable over Haagen in view of Horiuchi under 35 U.S.C. §103(a), Applicants respectfully traverse the rejection of Claim 1, which, as amended, recites, in part,

recording scheduling means for, when a previously broadcasted program is selected from the program table, scheduling the recording of a program to be broadcast from the broadcasting station set by the setting means based on the title and broadcasting date and time of the selected previously broadcasted program

The Office Action relies on Haagen in view of Horiuchi for teaching the recording apparatus, but neither of the cited references discloses the recording scheduling means of amended Claim 1. Haagen describes a system that determines a radio station that a user is tuned into based on the frequency information from the radio broadcast and the user's position information as determined from his mobile phone and is relied upon for disclosing providing a list of previous, current, or future songs played by a broadcast station.² However, Haagen discusses providing information about a broadcast program via the internet and does

¹ Support for the amendments to Claims 1 and 9-11 may be found at paras. [0478-0482] and Figs. 30-31.

² See August 31, 2010 Office Action at 3.I.

not teach anything having to do with recording of a program to be broadcast in the future.³

Thus, Haagen fails to teach a *recording scheduling means for, when a previously broadcasted program is selected from the program table, scheduling the recording of a program to be broadcast from the broadcasting station set by the setting means based on the title and broadcasting date and time of the selected previously broadcasted program*, as is recited in amended Claim 1.

The Office Action also relies on Horiuchi for teaching the features of Claim 1, but Horiuchi fails to cure the deficiencies of Haagen. In particular, Horiuchi does not recite a recording scheduling means, as is recited in amended Claim 1. Horiuchi describes a broadcast program guiding apparatus that determines and displays recommended programs to a viewer based on the viewer's viewing history.⁴ However, Horiuchi does not disclose recording those programs or that selecting a previously broadcast displayed program schedules the recording of a program to be broadcast in the future. Thus, Horiuchi too fails to disclose a *recording scheduling means for, when a previously broadcasted program is selected from the program table, scheduling the recording of a program to be broadcast from the broadcasting station set by the setting means based on the title and broadcasting date and time of the selected previously broadcasted program*, as is recited in amended Claim 1.

Applicants additionally respectfully submit that Levine fails to cure the deficiencies of Haagen in view of Horiuchi with respect to amended Claim 1. Levine describes an operator's manually setting up recording of a desired program on a VCR by selecting the days and times via numeric entry on a keypad and further indicates that *future* program schedule information may be displayed to assist the operator in his selection of recording days and times.⁵ However, while a user of the system described in Levine can look at the information displayed on the screen and make his keypad entry of the appropriate day and

³ See Haagen at para. [0050].

⁴ See Horiuchi at Abstract and para. [0027].

⁵ See Levine at col. 2, lines 52-58.

time of his desired program based on the information displayed, Levine does not disclose that selecting a previously broadcast program from the information displayed schedules the recording of a program to be broadcast in the future. Thus, Levine fails to teach *recording scheduling means for, when a previously broadcasted program is selected from the program table, scheduling the recording of a program to be broadcast from the broadcasting station set by the setting means based on the title and broadcasting date and time of the selected previously broadcasted program*, as is recited in amended Claim 1.

Therefore, amended Claim 1 (as well as Claims 2-8 which depend from amended Claim 1) is patentable over Haagen in view of Horiuchi and in further view of Levine.

Amended Claims 9 and 10 are also patentable over Haagen in view of Horiuchi and in further view of Levine. As discussed above with respect to amended Claim 1, Haagen in view of Horiuchi and in further view of Levine fails to disclose *when a program is selected from the program table, setting a recording start time and a recording end time of the selected program based on a broadcasting date and time of the selected program*, as claimed. Accordingly, amended Claims 9 and 10 are patentable over Haagen in view of Horiuchi and in further view of Levine.

Amended Claim 11 is also patentable over Haagen in view of Horiuchi and in further view of Levine. As discussed above with respect to amended Claims 1, 9, and 10, Haagen in view of Horiuchi and in further view of Levine fails to disclose a *recording scheduling unit configured to, when a previously broadcasted program is selected from the program table, schedule the recording of a program to be broadcast from the broadcasting station set by the setting means based on the title and broadcasting date and time of the selected previously broadcasted program*, as claimed. Accordingly, amended Claim 11 is patentable over Haagen in view of Horiuchi and in further view of Levine.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-11 as amended is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for allowance, and an early and favorable reconsideration of the application is therefore requested.

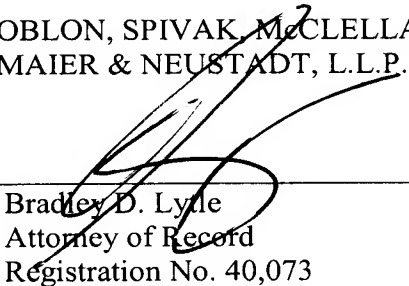
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Andrew T. Harry
Registration No. 56,959